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REMARKS

In the Office Action, the Examiner noted that claims 1-32 are pending in the application and that claims 1-8, 13-24, 29, and 32 are rejected. By this response, claims 1, 16, and 32 are amended. In view of the above amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicants believe that all of these claims are now in condition for allowance.

AMENDMENTS TO CLAIMS

In the Office Action, the Examiner indicates that dependent claims 9-12, 25-28, and 30-31 would be allowable if rewritten in independent form. In response, the Applicants have herein amended claim 1 to include the limitation "to produce said respective encoded streams comprising high, medium, and low priority bits, at least one of said low priority bits and said medium priority bits being removed from said transport cells in response to at least one of said respective first buffer utilization level and said second buffer utilization level being below at least one threshold utilization level". Support for the amendments is at least found in claims 9 and 10. Similarly, Applicants have herein amended independent claims 16 and 32 to include identical limitations. No new matter has been entered. As such, in view of the above amendments and the following discussion, Applicants submit that all of these claims are now in condition for allowance.

ALLOWABLE SUBJECT MATTER

The Examiner has objected to dependent claims 9-12, 25-28, and 30-31 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Applicants thank the Examiner for indicating allowable subject matter but believe that amended independent claims 1 and 16, from which each of these dependent claims depends, are allowable over the prior art of record for the reasons set forth below. Thus, Applicants respectfully request that the objection to claims 9-12, 25-28, and 30-31 be withdrawn.

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REJECTION OF CLAIMS UNDER 35 U.S.C. §102

The Examiner rejected claims 1-8, 13-24, 29 and 32 as being anticipated by Kinrot (United States patent 6,574,193, issued June 3, 2003). The rejection is respectfully traversed.

More specifically, the Examiner stated that Kinrot discloses an apparatus comprising "a plurality of encoders (22) for encoding respective sampled audio streams to produce respective encoded streams...a plurality of first buffers (28), for receiving respective encoded streams and forming therefrom respective sequences of transport cells, each of said transport cells comprising a portion of said respective encoded audio stream...each of said first buffers having associated with it a respective first buffer utilization level...; and a second buffer (30), for receiving and forwarding to a communications channel said sequences of transport cells...said second buffer having associated with it a second buffer utilization level..." (Office Action, p. 2-3). The Examiner concluded that Kinrot anticipates Applicants' invention as recited in claims 1-8, 13-24, 29 and 32. The Applicants respectfully disagree.

Kinrot generally teaches an encoding apparatus operable to receive data and process data for transmission through an asynchronous transfer mode network. More specifically, Kinrot teaches encoding received data to provide encoded data packets to at least one virtual circuit at a rate that is selected responsive to the degree of circuit congestion, where degree of circuit congestion is determined by a processor. (Kinrot, Abstract). Kinrot, however, does not teach each and every element of Applicants' invention as recited in independent claim 1.

Namely, Kinrot does not teach, show, or suggest the limitation "wherein each of said encoders is operable for adapting an encoding fidelity level to produce said respective encoded streams comprising high, medium, and low priority bits, at least one of said low priority bits and said medium priority bits being removed from said transport cells in response to at least one of said respective first buffer utilization level and said second buffer utilization level being below at least one threshold utilization level." Specifically, Applicants' amended claim 1 recites:

An apparatus, comprising:

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a plurality of encoders for encoding respective sampled audio streams to produce respective encoded streams;

a plurality of first buffers, for receiving respective encoded streams and forming therefrom respective sequences of transport cells, each of said transport cells comprising a portion of said respective encoded audio stream, each of said first buffers having associated with it a respective first buffer utilization level; and

a second buffer, for receiving and forwarding to a communications channel said sequences of transport cells, said second buffer having associated with it a second buffer utilization level;

wherein each of said encoders is operable for adapting an encoding fidelity level to produce said respective encoded streams comprising high, medium, and low priority bits, at least one of said low priority bits and said medium priority bits being removed from said transport cells in response to at least one of said respective first buffer utilization level and said second buffer utilization level being below at least one threshold utilization level.

[Emphasis added.]

As such, Applicants' claim 1 discloses adapting an encoding fidelity level to produce encoded streams comprising high, medium, and low priority bits, and removing at least one of the low priority bits and medium priority bits from transport cells in response to at least one of a first buffer utilization level and said second buffer utilization level being below at least one threshold utilization level. In other words, the Applicants' invention produces encoded streams comprising various encoding fidelity levels by removing at least one of low and medium priority bits.

Kinrot, on the other hand, teaches that a processor determines a desired bit rate of encoded packets to be output by an encoder by comparing a mean bit rate determined as a function of circuit congestion and an optimal bit rate determined as a function of an optimal average number of output bits per data sample. (Kinrot, Col. 5, Lines 58-62). As such, Kinrot simply teaches determining a desired encoder output bit rate according to circuit congestion and an associated optimal bit rate.

Nowhere in Kinrot, however, is there any teaching, showing, or suggestion of producing respective encoded streams comprising high, medium, and low fidelity bits, as taught in Applicants' claim 1. Furthermore, nowhere in Kinrot is there any teaching, showing, or suggestion of removing at least one of the medium and low fidelity bits from transport cells in response to a buffer utilization level being below a threshold utilization level, as taught in Applicants' claim 1. Therefore, Kinrot does not teach each and every element of Applicants' invention as taught in amended claim 1.

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"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (emphasis added). Since Kinrot does not teach producing respective encoded streams comprising high, medium, and low fidelity bits where at least one of the medium and low fidelity bits may be removed from the transport cells in response to a buffer utilization level being below a threshold utilization level, Kinrot fails to disclose each and every element of the claimed invention, as arranged in Applicants' claim 1. Therefore, the Applicants submit that independent claim 1 is not anticipated by Kinrot and, as such, fully satisfies the requirements under 35 U.S.C. §102 and is patentable thereunder.

Furthermore, independent claims 16 and 32 recite methods having features similar to those of claim 1 emphasized above. As such, Kinrot does not teach each and every element of claims 16 and 32. Specifically, Kinrot does not teach, show, or suggest the identical feature of "adapting an encoding fidelity level of each of said encoders to produce said respective encoded streams comprising high, medium, and low priority bits, at least one of said low priority bits and said medium priority bits being removed from said transport cells in response to at least one of said respective first buffer utilization level and said second buffer utilization level being below at least one threshold utilization level". Therefore, the Applicants contend that claims 16 and 32 are not anticipated by Kinrot and fully satisfy the requirements of 35 U.S.C. §102.

As such, the Applicants submit that independent claims 1, 16 and 32 are not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-8, 13-15, 17-24 and 29 depend, either directly or indirectly, from independent claims 1 and 16, and recite additional features thereof. As such, and for at least the same reasons discussed above, the Applicants submit that the dependent claims 2-8, 13-15, 17-24 and 29 also fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the rejections be withdrawn.

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CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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